

DEPARTMENT OF THE INTERIOR  
National Park Service

Record of Decision

Final General Management Plan and Environmental Impact Statement;

Niobrara National Scenic River, Nebraska

The Department of the Interior, National Park Service (NPS), has prepared this Record of Decision on the *Final General Management Plan / Environmental Impact Statement* for Niobrara National Scenic River, Nebraska. This Record of Decision includes a description of the background of the project, a statement of the decision made, synopses of other alternatives considered, the basis for the decision, a description of the environmentally preferable alternative, a discussion of impairment of park resources or values, a listing of measures to minimize environmental harm, and an overview of public involvement in the decision-making process.

BACKGROUND OF THE PROJECT

Public Law 102-50, passed in May 1991, established Niobrara National Scenic River as a unit of the National Park System. A comprehensive general management plan is needed to outline resource conditions and visitor experiences desired for this park. The purpose of Niobrara National Scenic River is to protect the designated 76 miles of the river and its immediate environs for the benefit and enjoyment of present and future generations. The purpose of this management plan is to identify the river's outstandingly remarkable values, the conditions and visitor experiences that should ultimately be achieved and maintained throughout the park, and to provide guidance for managing the park for the next 15 to 20 years. Three alternatives for management were considered: a no-action alternative, a preferred alternative, and an alternative emphasizing management by the NPS independent of partners.

The concepts presented in the *Final General Management Plan / Environmental Impact Statement* for the park are based on a thorough consideration of the best available information on park resources and the visitor experience. Alternative B in the final plan presents a distinct vision for preserving the resources that contribute to the park's cultural and natural values while making the resources available to people for their enjoyment, education, and recreation, while working cooperatively to the fullest extent possible.

DECISION (SELECTED ACTION)

The NPS will implement the preferred alternative as described in the *Final General Management Plan / Environmental Impact Statement* issued on February 23, 2007. Alternative B, the preferred alternative, envisions cooperative management of the river with the NPS providing stewardship through Federal, State, and local partners on a landscape that would remain largely in private ownership. The NPS would act as technical advisor and facilitator to its partners in areas such as resource protection on private lands. In all cases, the NPS would retain ultimate authority for protecting resources as assigned by Congress through the Wild and Scenic Rivers Act. The NPS would retain its headquarters office, currently located in O'Neill, Nebraska, and would maintain a

field office in Valentine, Nebraska. This alternative envisions cooperative management costs of approximately \$400,000 annually. Implementing Alternative B will cost the National Park Service approximately \$7.1 million in one-time construction costs, and an estimated total of \$10.8 - 12.8 million over the life of the General Management Plan. Actions directed by the General Management Plan or in subsequent implementation plans are accomplished over time. Budget restrictions, requirements for additional data or regulatory compliance, and competing National Park System priorities prevent the immediate implementation of many activities. Major, or especially costly, actions could be implemented ten or more years into the future, or may not be realized at all. Environmental impacts of this alternative are summarized below.

## OTHER ALTERNATIVES CONSIDERED

Two other alternatives for managing the park and three boundary alternatives were evaluated in the *Final General Management Plan / Environmental Impact Statement*.

Alternative A, the no-action alternative, represents minimal management of the park, consisting mostly of loose coordination with state and federal agencies to maintain the river in its free-flowing condition, in compliance with the Wild and Scenic Rivers Act. This alternative was presented as a way of comparing current conditions to possible future conditions, as described in the other two alternatives. No new construction or major changes would have taken place under the no-action alternative. Present-use patterns with parking, trails, and visitor access would continue.

The annual operating cost for limited government-to-government liaison on the Niobrara National Scenic River (the no-action alternative) would be approximately \$100,000. Environmental impacts under this alternative would have included major long-term impacts on visitor experience, possibly rising to the level of impairment; major long-term impacts on floodplains and wetlands; long-term moderate-to-major adverse impacts to cultural and paleontological resources and threatened or endangered species; moderate adverse impacts on water quality, floodplains and wetlands; minor long-term adverse impacts on soil and vegetation and wildlife; moderate adverse impacts on local economy; short-term minor adverse impacts on air quality; and negligible impacts on land ownership.

Under Alternative C, the National Park Service would have managed a landscape that would be increasingly federally owned, within the limits permitted by the Wild and Scenic Rivers Act. Although the park would operate solely under NPS management, the Service could develop cooperative agreements for services provided by federal and state agencies or natural resources districts. The park would expand its field presence in Valentine and maintain its headquarters office in O'Neill, with the possibility of an additional district office being established along the eastern portion of the river. Implementing alternative C would have cost the National Park Service approximately \$7.1 million in one-time construction expenses, and between \$25.3 – 27.3 million over the life of the General Management Plan.

Environmental impacts of Alternative C would have included long-term beneficial impacts to cultural and paleontological resources; short-term minor adverse impacts on air quality, both beneficial and adverse long-term impacts to water quality (beneficial as a result of implementing a resource stewardship plan and removing Cornell Dam, but adverse from turbidity caused by construction); moderate-to-major beneficial long-term impacts on floodplains and wetlands; minor long-term adverse impacts to soils; long-term moderate beneficial impacts on wildlife; minor-to-moderate

impacts on scenic resources and threatened or endangered species; moderate-to-major beneficial long-term impacts on the visitor experience; moderate, long-term beneficial impacts on the local economy and on land ownership, and a moderate-to-major beneficial impact on local governments.

Boundary Alternative 1 is an inflexible one-quarter mile boundary extending from the ordinary high water mark on each side of the river, and includes 24,320 acres. This boundary protects the river's bridges from Borman in the west to Carns in the east, but affords significantly less protection to the historic Meadville community than either of the other two boundary alternatives; protects the one globally significant paleontological site in the proximity of the project area; protects more of the tributary area than Alternative 2, but less than Alternative 3; includes more floodplain and wetlands than either of the other two boundary alternatives; protects bald eagle and whooping crane foraging habitat and includes designated critical habitat for piping plovers; but does not include the greatest number or most significant scenic resources.

Boundary Alternative 2 protects the River's outstandingly remarkable scenic and paleontological resources while incorporating, but not necessarily favoring, the outstandingly remarkable recreational, geologic, and fish and wildlife values. This boundary encompasses 22,472 acres. This boundary alternative protects less of Fort Niobrara than alternative 1, but protects significantly more of the Meadville community; protects the one globally significant paleontological site in the proximity of the project area; contains the smallest tributary area; includes less floodplain and wetlands than Alternative 1; protects a more diverse continental ecosystem and edge habitats than the other two alternatives, and includes designated critical habitat for piping plovers.

Boundary Alternative 3, the preferred alternative, equally protects the River's outstandingly remarkable scenic, recreational, geologic, fish and wildlife, and paleontological values within its 23,074 acres. This alternative protects less of Fort Niobrara than alternative 1, but protects significantly more of the Meadville community; protects the one globally significant paleontological site in the proximity of the project area; contains the largest tributary area; includes floodplains and wetlands; protects bald eagle foraging habitat; and includes designated critical habitat for piping plovers.

## FINDINGS ON THE ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The environmentally preferable alternative is the alternative that will promote national environmental policy as expressed in Section 101 of the National Environmental Policy Act (NEPA). Ordinarily, this means the alternative that will cause the least damage to the biological and physical environment; it also means the alternative that will best protect, preserve, and enhance historic, cultural, and natural resources. Alternative B, which has been selected as the preferred alternative, is also the environmentally preferable alternative. The six criteria listed in the National Environmental Policy Act follow:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

4. Preserve important historic, cultural, and natural aspects of our national heritage, and, wherever possible, maintain an environment that supports diversity and variety of individual choices;
5. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The environmentally preferable alternative for the Niobrara National Scenic River is based on these national environmental policy goals. All three action alternatives for Niobrara National Scenic River essentially meet all of the objectives of NEPA. However, Alternative B, the preferred alternative, in conjunction with the preferred Boundary Alternative 3, will ensure the highest degree of protection of cultural and paleontological resources and the river's outstandingly remarkable values.

## FINDINGS ON IMPAIRMENT OF PARK RESOURCES AND VALUES

The NPS may not allow the impairment of park resources and values unless directly and specifically provided for by the legislation or proclamation establishing the park. Impairment is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. In determining whether impairment would occur, NPS managers examine the duration, severity, and magnitude of the impact; the resources and values affected; and direct, indirect, and cumulative effects of the action. According to NPS policy, "An impact will be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is (a) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park; (b) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (c) identified as a goal in the park's general management plan or other relevant NPS planning documents" (Management Policies 2006).

This policy does not prohibit all impacts on park resources and values. The NPS has the discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park, so long as the impacts do not constitute impairment. Moreover, an impact is less likely to constitute impairment if it is an unavoidable result, which cannot be further mitigated, of an action necessary to preserve or restore the integrity of park resources or values.

After analyzing the environmental impacts described in the *Final General Management Plan / Environmental Impact Statement* (and public comments received on the draft document), the NPS has determined that implementing the preferred alternative will not constitute an impairment of the Scenic River's resources and values. Implementation of the preferred alternative will protect and enhance the park's natural and cultural resources, and provide for high-quality visitor experiences. Overall, the preferred alternative will produce the following beneficial impacts:

- Cultural Resources: Long-term beneficial impacts will occur through partnerships and collaboration, as well as through the park's jurisdictional authority to enforce resource protection mandates.

- Local Economy: Long-term, moderate beneficial impacts will occur as a result of visitor services development and annual visitor expenditures.
- Paleontological Resources: Long-term beneficial impacts will occur through enforcement of resource protection mandates, and partnerships and collaboration.
- Wildlife: Implementing wildlife management programs and best management practices would result in long-term, moderate beneficial impacts to wildlife habitats and populations. Implementation of a resource stewardship plan, best management practices, and proper removal of Cornell Dam would provide long-term beneficial impacts to aquatic resources, water quality, floodplains and wetlands.
- Threatened and endangered species: Resource stewardship plans and sufficient staff and funds to conduct inventories, monitor conditions, and restore and enhance habitats would result in moderate-to-major beneficial impacts to these species.
- Scenic Resources: Long-term, minor-to-moderate beneficial impacts would result from technical assistance to reduce signage and impacts from development.
- Visitor Experience: Impacts from the new research and education center, increased interpretive and public outreach programming, and providing and maintaining facilities would have moderate-to-major beneficial impacts.
- Landownership: Coordinating with local zoning officials, easements, and purchasing land in fee title would have a moderate, long-term beneficial impact.
- Local governments: Moderate-to-major beneficial impact will occur because of federal property tax reimbursements to offset losses in property tax revenues, and increased staffing and funding enhancing visitor experiences, leading to longer visits and increased sales.

The preferred alternative will also produce the following adverse impacts:

- Air Quality: Short-term, minor adverse impacts would result from prescribed burns, construction projects, and increased traffic on unimproved roads, offset by proper planning and the implementation of mitigation strategies.
- Water Quality: Short-term, moderate adverse impacts from construction of bathroom and river access sites could be minimized through good design and streambank restoration projects. Implementation of a resource stewardship plan, best management practices, and proper removal of Cornell Dam would provide long-term beneficial impacts to aquatic resources, water quality, floodplains and wetlands.
- Soil and Vegetation: Construction of a research and education center and public access sites would result in minor, long-term adverse impacts through soil compaction, erosion, and proliferation of some invasive vegetative species, but partnerships would provide technical support and incentives to private landowners, resulting in mitigation of impacts.

None of the impacts of alternative B will adversely affect resources or values to a degree that will prevent the NPS from fulfilling the purposes of the park, threaten the integrity of the park, or eliminate opportunities for people to enjoy the park

## MEASURES TO MINIMIZE ENVIRONMENTAL HARM

The NPS has investigated all practical means to avoid or minimize environmental impacts that could result from implementation of the selected action. The measures for minimizing environmental

impacts are presented in the park's *Final General Management Plan / Environmental Impact Statement* and include:

- Short-term, moderate adverse impacts from construction of bathroom and river access sites could be minimized through good design and streambank restoration projects.
- Any adverse impacts to cultural resources from construction would be mitigated through archeological surveys and evaluation before any ground disturbance.

A consistent set of mitigation measures will be applied to actions that result from implementation of this selected alternative. Monitoring and enforcement programs will oversee the implementation of mitigation measures. These programs will ensure compliance monitoring, biological and cultural resource protection, noise and dust abatement, pollution prevention measures, visitor and safety education, revegetation, and other mitigation measures.

Mitigation measures will also be applied to future actions that are guided by this approved plan. In addition, NPS staff will prepare appropriate compliance reviews for future actions.

## PUBLIC INVOLVEMENT

Public participation in the court-ordered Niobrara general management plan rewrite occurred in two connected phases. The process commenced with *Federal Register* notices in February and May 2000 and the general distribution in August 2000 of 2,000 newsletters titled "River Planning: The Second Time Around," timed with a widely reproduced news release announcing the initiative. During the course of scoping and writing in 2000-01, park staff addressed the public, special interest groups, congressional staff, an array of federal and state agencies and local governments, and a still extant federal advisory commission (whose charter expired on May 24, 2001) in Valentine, Butte, Ainsworth, Sparks, Bassett, Johnstown, Chadron, Omaha, Lincoln, and Kearney, all in Nebraska and several of these communities repeatedly, and in Washington, D.C. Nearly all of these meetings were open to the public and the comments received generally endorsed the vision and occasionally resulted in additions or improvements to the working document.

Public review of the preliminary boundary determinations—actual lines on maps—occurred separately in March through August 2002. In this instance, audiences included Nebraska congressional staff, several Nebraska state senators and staff, Niobrara Council, Keya Paha, Cherry, Rock, and Brown County commissions, Niobrara River Outfitter's Association, Middle and Lower Niobrara Natural Resources districts, The Nature Conservancy, and local landowners. These audiences generally affirmed the logic and reasoning of the alternatives, but also led to several instances of redoubled ground-truthing to ensure the veracity of pertinent information. Most of these meetings were open to the public.

As writing and editorial work on the plan continued to 2005, updates on progress, reviews, and public reaction constituted a standard National Park Service reporting topic at the monthly meetings of the Niobrara Council, a Niobrara River management partnership representing federal and state agencies, and local governments, businesses, and landowners. Council meetings have published agendas and are open to the public.

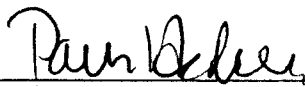
Following the distribution of 450 copies of the draft plan, largely by mail, in August 2005, along with a concurrent news release, the National Park Service commenced a 90-day public review from mid-August to mid-October 2005. During that period, the Service formally addressed 28 different audiences, including congressional staff in Lincoln and Omaha, Cherry, Brown, Rock, and Keya Paha County commissions, state senators and staff in Valentine and Lincoln, the Middle and Lower Niobrara Natural Resources Districts in Valentine and Butte, and interest groups in Valentine, Lincoln, and Omaha, Nebraska. More than 350 people attended these meetings. Additionally, the National Park Service held four open houses, in Omaha, Lincoln, Valentine, and Ainsworth, attended by nearly 60 people. Throughout the review, the plan was also posted on the National Park Service's Planning, Environment, and Public Comment website, and the park's web site. To facilitate access to those websites, hundreds of business cards with the website addresses were distributed to the public, including at a Nebraska State Fair booth manned by the Friends of the Niobrara.

## CONCLUSION

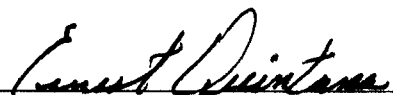
Management Alternative B and Boundary Alternative 3 provide the most comprehensive and effective method, among the alternatives considered, for meeting the park's purpose, mission, and goals for managing Niobrara National Scenic River and for meeting national environmental policy goals. The selection of Alternative B, as reflected by the analysis contained in the environmental impact statement, will not result in the impairment of park resources or values and will not violate the NPS Organic Act. All practical means to avoid or minimize environmental harm from implementing the selected alternative have been adopted.

Actions directed by the General Management Plan or in subsequent implementation plans are accomplished over time. Budget restrictions, requirements for additional data or regulatory compliance, and competing National Park System priorities prevent the immediate implementation of many activities. Major, or especially costly, actions could be implemented ten or more years into the future, or may not be realized at all.

Recommended:

 3-26-07  
\_\_\_\_\_  
Paul Hedren. Date  
Superintendent, Niobrara National Scenic River

Approved:

 3-26-2007  
\_\_\_\_\_  
Ernest Quintana, Regional Director Date  
Midwest Region, National Park Service